

REMARKS/ARGUMENTS

Claims 4-6, 8, 10-11, 14-16, 18, 20, and 53 remain pending in the application. The rejections under 35 U.S.C. §112 are addressed by amending claims 4 and 14 herein to recite distribution means operable to distribute content together with *time identification* information in an unencrypted form and the attached authentication information in an encrypted form. Support therefor is provided at paragraph [0067] of the Specification.

In the Office Action, the Examiner rejected all of the pending claims under 35 U.S.C. §103(a) as being obvious over by U.S. Patent No. 6,505,160 to Levy et al. ("Levy") in view of U.S. Patent No. 5,715,403 to Stefik. ("Stefik"). In view of the amended claims and arguments presented herein, applicant respectfully requests reconsideration of the rejections made by the Examiner and allowance of all pending claims.

In the content distribution system recited in claim 53, a monitoring apparatus is operable to issue authentication information including time identification information that *indicates a time of issuing the authentication information*. A distribution apparatus is operable to distribute one or more pieces of the content with the time identification information attached to piece(s) of content. Based on the time identification information that is distributed with the piece(s) of content, the monitoring apparatus is operable to determine whether the piece(s) of content distributed by the content distribution operation has been distributed with authorization of the owner of the piece(s) of content.

Applicant respectfully submits that these features of the presently claimed invention are neither taught nor suggested by the combined teachings of Levy and Stefik. The Examiner agrees that Levy neither teaches nor suggests a system for

determining whether one or more pieces of content have been distributed with authorization of an owner of the one or more pieces of content (Office Action, p. 5). However, *Stefik* does not provide the teachings which *Levy* lacks with respect to the invention recited in claim 53.

The content distribution system recited in claim 53 is operable to distribute time identification information which *indicates a time of issuing the authentication information*. The time identification information is usable by the monitoring apparatus to determine whether the piece(s) of content distributed by the content distribution operation has been distributed with authorization of the owner of the piece(s) of content. At best, *Stefik* merely describes attaching usage rights including a time specification to a digital work. The time specification described in *Stefik* is not time identification information *indicating a time of issuing authentication information*. Rather, the time specification "represents some limitation on the times over which the usage right applies." (*Stefik*, col. 22, lns. 1-2). For example, the time specification can specify a duration, a start date or an expiration date as when the usage right expires. (*Stefik*, col. 21, lns. 50-51; col. 22, lns. 2-4). *Stefik* neither teaches nor suggests that the time specification indicates a time of issuing authentication information. In addition, *Stefik* neither teaches nor suggests using such time specification distributed with a piece of content to determine whether such piece of the distributed content has been distributed with authorization of the owner of that content.

Claim 11 contains similar recitations and is believed to be allowable for reasons similar to those which distinguish claim 53 from the cited art.

Moreover, neither *Levy* nor *Stefik* teaches or suggests a content distribution system as particularly claimed in claim 4

in which a distribution apparatus is:

operable to distribute the one or more pieces of content together with the time identification information in an unencrypted form and the attached authentication information in an encrypted form encrypted using the encryption key.

The content distribution system also includes a monitoring apparatus which is:

operable to decrypt the authentication information in the encrypted form using the encryption key and to compare the decrypted authentication information with the authentication information in the unencrypted form to determine whether the one or more pieces of content have been distributed with authorization of the one or more owners.

The Office Action cites *Stefik* (col. 28, ln. 34 et seq.) as teaching such operation. However, *Stefik* describes something different, as summarized here. *Stefik* describes generating a performance message including a nonce, and then encrypting and sending the encrypted performance message from a Repository-2 to a Repository-1. Repository-1 decrypts the performance message including the nonce and then sends the nonce as decrypted by it back to Repository-2. Finally, Repository-2 compares the nonce it receives from Repository-1 with the original nonce to determine if a registration transaction was successfully completed. (col. 28, ln. 34 et seq.)

*Stefik* neither teaches nor suggests transmitting both unencrypted and encrypted forms of particular information, and decrypting the encrypted form of the transmitted information and comparing the decrypted and the unencrypted forms by the apparatus that does the decrypting. Rather, *Stefik* merely describes one repository transmitting an encrypted form of information, and that original repository receiving back a decrypted form of that information as decrypted by another repository. Unlike the invention recited in claim 4, the device

in *Stefik* that performs the decrypting of the information is not the same device that compares the decrypted information with another unencrypted form of the information to determine if distribution was with the owner's authorization.

Claim 14 contains recitations similar to those of claim 4. Accordingly claim 14 is also believed to be allowable for reasons similar to those which distinguish claim 53 from the cited art.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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